

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

RENEE AFSHAR,

Plaintiff,

vs.

WMG, L.C., MICHAEL GOCHE,
JOSEPH GOCHE, and JEANNE
GOCHE-HORIHAN,

Defendants.

No. C 14-3054-MWB

**ORDER DISMISSING CASE FOR
LACK OF SUBJECT MATTER
JURISDICTION**

By *Sua Sponte* Order (docket no. 50), filed September 21, 2015, I directed that, not later than October 5, 2015, the plaintiff file a brief showing why this court has subject matter jurisdiction or a notice that she does not dispute dismissal of this case, without prejudice, for lack of subject matter jurisdiction. I also permitted the defendants to file any response to the plaintiff's filing pursuant to that *Sua Sponte* Order not later than October 12, 2015. On October 5, 2015, the plaintiff filed what she called a "Notice Of Voluntary Dismissal Without Prejudice" (docket no. 51), in which she did not, in fact, voluntarily dismiss her claims, but did state "that she does not dispute dismissal of this case, without prejudice, for lack of subject-matter jurisdiction." The defendants filed no timely response.

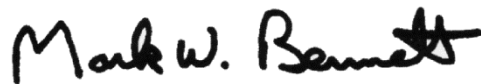
The concern I expressed in my *Sua Sponte* Order has now ripened into a firm conclusion that WMG, a limited liability company, is a citizen of Georgia, where Renee, a "member" of the limited liability company, is also a citizen. *E3 Biofuels, L.L.C. v. Biothane, L.L.C.*, 781 F.3d 972, 975 (8th Cir. 2015). Thus, "complete diversity" is lacking, *id.*, and this case must be dismissed for lack of subject matter jurisdiction. *Hart*

v. United States, 630 F.3d 1085, 1091 (8th Cir. 2011). Such dismissal should be without prejudice. *Id.* (modifying the district court's *sua sponte* dismissal for lack of subject matter jurisdiction only to require that the dismissal be without prejudice).

THEREFORE, this case is **dismissed**, *in its entirety, without prejudice*.

IT IS SO ORDERED.

DATED this 13th day of October, 2015.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font.

MARK W. BENNETT
U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA